

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LEROY WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-06-1277-HE
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	

**ORDER**


Plaintiff Leroy Williams instituted this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Shon T. Erwin, who recommended that the plaintiff's motion to strike the defendant's response brief be denied and that the decision of the Commissioner be reversed and the matter remanded for further administrative proceedings.

Defendant has failed to object to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1(a). Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #18], **DENIES** the plaintiff's motion to strike [Doc. # 14], **REVERSES** the Commissioner's decision, and **REMANDS** the case for further administrative proceedings

consistent with this opinion.

**IT IS SO ORDERED.**

Dated this 3<sup>rd</sup> day of December, 2007.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE